

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SEPTEMBER LEE FULLER,
Plaintiff,

v.

WERNER ENTERPRISES, INC., et al.,
Defendants.

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§ Civil Action No. 3:16-CV-2958-BK
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ORDER

Pursuant to the parties' consent to proceed before the undersigned magistrate judge, [Doc. 5 at 3](#), Plaintiff's *Motion for Partial Dismissal with Prejudice*, filed June 11, 2018, is before the undersigned for a determination. [Doc. 58](#). Therein, Plaintiff states that she "no longer wishes to prosecute the claims asserted in this action against Defendants Mark R. Stubbs and Continental Express, Inc." and requests that such claims be dismissed with prejudice. [Doc. 58 at 1](#). By rule of this Court, Defendants were required to file a response, if they opposed the relief requested, by July 2, 2018 but failed to do so. *See* N.D. TEX. L. CIV. R. 7.1(e) ("A response and brief to an opposed motion must be filed within 21 days from the date the motion is filed."). Therefore, the Court presumes that Defendants do not oppose the relief that Plaintiff requests.

Accordingly, Plaintiff's *Motion for Partial Dismissal with Prejudice*, [Doc. 58](#), is **GRANTED**, and Plaintiff's claims against Defendants Mark R. Stubbs and Continental Express, Inc. are **DISMISSED WITH PREJUDICE**, with all costs adjudged against the party incurring same.

SO ORDERED on July 9, 2018.


RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE